# **EXHIBIT A**

#### BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

## **DECEMBER 11, 2008**<sup>1</sup>

#### NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

May 10, 2010

Harriet Bergman 27010 Grand Central Parkway #7N Floral Park, New York 1005

Dear Ms. Bergman:

#### PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claims on BLMIS Account No. 1B0197 designated as Claim Number 000282 and Claim Number 000283 (the latter of which is duplicative of Claim Number 000282) and combined ("Combined Claim") for purposes of this determination. This letter shall serve as the Trustee's determination with respect to the Combined Claim:

Your Combined Claim securities is **DENIED**. No securities were ever purchased for your account.

<sup>&</sup>lt;sup>1</sup> Section 78*Ill*(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78*Ill*(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$3,543,112.12), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$1,885,561.99). As noted, no securities were ever purchased by BLMIS for your account. Any and all profits reported to you by BLMIS on account statements were fictitious.

As reflected in Table 1, certain of the transfers into or out of your account have been adjusted. As part of the Trustee's analysis of accounts, the Trustee has assessed accounts based on a money in/money out analysis (i.e., has the investor deposited more or less than he or she withdrew from BLMIS). This analysis allows the Trustee to determine which part of an account's balance is originally invested principal and which part is fictitious gains that were fabricated by BLMIS. A customer's allowed claim is based on the amount of principal in the customer's account.

Whenever a customer requested a transfer from one account to another, the Trustee analyzed whether the transferor account had principal in the account at the time of the transfer. The available principal in the account was transferred to and credited in the transferee account. Thus, the reason that the adjusted amount of transferred deposits or withdrawals in Table 1 is less than the purported transfer amount is that the transferor account did not have sufficient principal available to effectuate the full transfer. The difference between the purported transfer amount and the adjusted transfer amount is the amount of fictitious gain that was transferred to or from your account. Under the money in/money out analysis, the Trustee does not give credit for fictitious gains in settling your allowed claim.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$1,657,550.13) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your Combined Claim is **DENIED** in its entirety.

On March 1, 2010, the United States Bankruptcy Court for the Southern District of New York (Lifland, J.) issued a decision which affirmed the Trustee's Net Investment Method for determining customer claims. The final resolution of this issue is expected to be determined on appeal.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by the Trustee against you.

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PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you <u>MUST</u> file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within THIRTY DAYS after May 10, 2010, the date on which the Trustee mailed this notice.

**PLEASE TAKE FURTHER NOTICE:** If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for the Southern District of New York One Bowling Green New York, New York 10004

and

Irving H. Picard, Trustee c/o Baker & Hostetler LLP 45 Rockefeller Plaza New York, New York 10111

Irving H. Picard

Trustee for the Liquidation of the Business of Bernard L. Madoff Investment Securities

cc: Liana Bergman 241 E. 76<sup>th</sup> Street #7D

New York, New York 10021

DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
7/10/1997	TRANS FROM 1B001310	\$1,773,029.16	\$370,561.99
4/18/2001	CHECK	\$100,000.00	\$100,000.00
5/23/2001	CHECK	\$50,000.00	\$50,000.00
6/21/2001	CHECK	\$50,000.00	\$50,000.00
8/27/2001	CHECK	\$70,000.00	\$70,000.00
11/2/2001	CHECK	\$50,000.00	\$50,000.00
11/16/2001	CHECK	\$35,000.00	\$35,000.00
1/31/2002	CHECK	\$30,000.00	\$30,000.00
2/26/2002	CHECK	\$30,000.00	\$30,000.00
4/23/2002	CHECK	\$25,000.00	\$25,000.00
7/15/2002	CHECK	\$75,000.00	\$75,000.00
8/2/2002	CHECK	\$25,000.00	\$25,000.00
11/19/2002	CHECK	\$300,000.00	\$300,000.00
1/30/2003	CHECK	\$300,000.00	\$300,000.00
10/21/2004	CHECK	\$150,000.00	\$150,000.00
11/5/2004	CHECK	\$150,000.00	\$150,000.00
1/24/2005	CHECK	\$50,000.00	\$50,000.00
8/30/2007	CHECK	\$25,000.00	\$25,000.00
otal Deposits:		\$3,288,029.16	\$1,885,561.99
DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
10/10/1997	CHECK	(\$65,514.39)	(\$65,514.39)
1/13/1998	CHECK	(\$65,515.80)	(\$65,515.80)
4/8/1998	CHECK	(\$92,713.09)	(\$92,713.09)
7/9/1998	CHECK	(\$93,016.00)	(\$93,016.00)
10/9/1998	CHECK	(\$49,423.84)	(\$49,423.84)
1/13/1999	CHECK	(\$96,717.20)	(\$96,717.20)
4/8/1999	CHECK	(\$110,000.00)	(\$110,000.00)
7/19/1999	CHECK	(\$75,000.00)	(\$75,000.00)
8/24/1999	CHECK	(\$25,000.00)	(\$25,000.00)
10/8/1999	CHECK	(\$59,053.48)	(\$59,053.48)
1/6/2000	CHECK	(\$71,979.96)	(\$71,979.96)

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7/7/2000 CHECK (\$60,411.03) (\$60,411.03) 10/11/2000 CHECK (\$40,678.35) (\$40,678.35) 10/18/2000 CHECK (\$50,000.00) (\$50,000.00) 11/0/2001 CHECK (\$350,000.00) (\$50,000.00) 11/0/2001 CHECK (\$350,000.00) (\$20,000.00) 3/14/2001 CHECK (\$22,000.00) (\$22,000.00) 3/14/2001 CHECK (\$25,000.00) (\$25,000.00) 4/6/2001 CHECK (\$83,920.97) (\$83,920.97) 7/9/2001 CHECK (\$56,081.33) (\$56,081.33) 10/9/2001 CHECK (\$67,493.53) (\$67,493.53) 4/10/2002 CHECK (\$67,493.53) (\$67,493.53) 4/10/2002 CHECK (\$95,036.45) (\$95,036.45) 10/7/2002 CHECK (\$124,583.76) (\$124,583.76) 11/10/2003 CHECK (\$124,583.76) (\$124,583.76) 11/10/2003 CHECK (\$64,488.66) (\$64,488.66) 7/8/2003 CHECK (\$64,488.66) (\$64,488.66) 7/8/2003 CHECK (\$101,317.75) (\$101,317.75) 11/8/2004 CHECK (\$11,317.75) (\$101,317.75) 11/8/2004 CHECK (\$61,288.35) (\$61,288.35) 7/7/2004 CHECK (\$61,288.35) (\$61,288.35) 17/7/2004 CHECK (\$61,288.35) (\$61,288.35) 11/7/2004 CHECK (\$63,375.55) (\$61,288.35) 11/7/2004 CHECK (\$63,375.55) (\$61,288.35) 11/7/2005 CHECK (\$63,375.55) (\$65,375.51) 11/7/2005 CHECK (\$63,375.55) (\$51,375.55) 11/7/2005 CHECK (\$63,375.55) (\$51,375.55) 11/7/2006 CHECK (\$63,375.55) (\$51,375.55) 11/7/2006 CHECK (\$63,375.51) (\$65,375.51) 11/9/2006 CHECK (\$63,375.51) (\$65,375.51) 11/9/2006 CHECK (\$63,375.51) (\$65,375.51) 11/9/2006 CHECK (\$63,375.55) (\$51,375.55) 11/9/2006 CHECK (\$63,375.55) (\$51,375.55) 11/9/2006 CHECK (\$63,375.55) (\$51,375.55) 11/9/2006 CHECK (\$63,375.56) (\$35,360.00) (\$36,890.78) 11/9/2006 CHECK (\$64,288.46) (\$44,280.00) 11/7/2006 CHECK (\$64,288.46) (\$44,280.00) 11/7/2006 CHECK (\$64,000.00) (\$40,000.00) 11/7/2007 CHECK (\$64,000.00) (\$40,000.00) 11/7/2007			****	
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1/10/2003         CHECK         (\$44,584.48)         (\$44,584.48)           4/9/2003         CHECK         (\$64,488.66)         (\$64,488.66)           7/8/2003         CHECK         (\$80,877.91)         (\$80,877.91)           10/9/2003         CHECK         (\$101,317.75)         (\$101,317.75)           1/8/2004         CHECK         (\$41,134.90)         (\$41,134.90)           4/8/2004         CHECK         (\$61,288.35)         (\$61,288.35)           7/7/2004         CHECK         (\$93,476.04)         (\$93,476.04)           8/12/2004         CHECK         (\$481,500.00)         (\$481,500.00)           8/13/2004         CANCEL CHECK         \$481,500.00         \$481,500.00           8/16/2004         CHECK         (\$50,000.00)         (\$500,000.00)           10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$37,216.14)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$57,142.43) <td< td=""><td>7/8/2002</td><td>CHECK</td><td>(\$95,036.45)</td><td>(\$95,036.45)</td></td<>	7/8/2002	CHECK	(\$95,036.45)	(\$95,036.45)
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7/8/2003         CHECK         (\$80,877.91)         (\$80,877.91)           10/9/2003         CHECK         (\$101,317.75)         (\$101,317.75)           1/8/2004         CHECK         (\$41,134.90)         (\$41,134.90)           4/8/2004         CHECK         (\$61,288.35)         (\$61,288.35)           7/7/2004         CHECK         (\$93,476.04)         (\$93,476.04)           8/12/2004         CHECK         (\$481,500.00)         (\$481,500.00)           8/13/2004         CANCEL CHECK         \$481,500.00         \$481,500.00           8/16/2004         CHECK         (\$500,000.00)         (\$500,000.00)           10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$37,216.14)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$46,288.46) <t< td=""><td>1/10/2003</td><td>CHECK</td><td>(\$44,584.48)</td><td>(\$44,584.48)</td></t<>	1/10/2003	CHECK	(\$44,584.48)	(\$44,584.48)
10/9/2003         CHECK         (\$101,317.75)         (\$101,317.75)           1/8/2004         CHECK         (\$41,134.90)         (\$41,134.90)           4/8/2004         CHECK         (\$61,288.35)         (\$61,288.35)           7/7/2004         CHECK         (\$93,476.04)         (\$93,476.04)           8/12/2004         CHECK         (\$481,500.00)         (\$481,500.00)           8/13/2004         CANCEL CHECK         \$481,500.00         \$481,500.00           8/16/2004         CHECK WIRE         (\$500,000.00)         (\$500,000.00)           10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$37,216.14)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$37,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$46,283.46)	4/9/2003	CHECK	(\$64,488.66)	(\$64,488.66)
1/8/2004         CHECK         (\$41,134.90)         (\$41,134.90)           4/8/2004         CHECK         (\$61,288.35)         (\$61,288.35)           7/7/2004         CHECK         (\$93,476.04)         (\$93,476.04)           8/12/2004         CHECK         (\$481,500.00)         (\$481,500.00)           8/13/2004         CANCEL CHECK         \$481,500.00         \$481,500.00           8/16/2004         CHECK WIRE         (\$500,000.00)         (\$500,000.00)           10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$37,216.14)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,8713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)	7/8/2003	CHECK	(\$80,877.91)	(\$80,877.91)
4/8/2004         CHECK         (\$61,288.35)         (\$61,288.35)           7/7/2004         CHECK         (\$93,476.04)         (\$93,476.04)           8/12/2004         CHECK         (\$481,500.00)         (\$481,500.00)           8/13/2004         CANCEL CHECK         \$481,500.00         \$481,500.00           8/16/2004         CHECK WIRE         (\$500,000.00)         (\$500,000.00)           10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$37,216.14)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$46,288.46)         (\$46,288.46)           4/4/2007         CHECK         (\$40,163.68)	10/9/2003	CHECK	(\$101,317.75)	(\$101,317.75)
4/8/2004         CHECK         (\$61,288.35)         (\$61,288.35)           7/7/2004         CHECK         (\$93,476.04)         (\$93,476.04)           8/12/2004         CHECK         (\$481,500.00)         (\$481,500.00)           8/13/2004         CANCEL CHECK         \$481,500.00         \$481,500.00           8/16/2004         CHECK WIRE         (\$500,000.00)         (\$500,000.00)           10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$39,173.16)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)         (\$86,893.78)           1/8/2007         CHECK         (\$40,000.00)	1/8/2004	CHECK	(\$41,134.90)	(\$41,134.90)
8/12/2004         CHECK         (\$481,500.00)         (\$481,500.00)           8/13/2004         CANCEL CHECK         \$481,500.00         \$481,500.00           8/16/2004         CHECK WIRE         (\$500,000.00)         (\$500,000.00)           10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)         (\$86,893.78)           1/8/2007         CHECK         (\$46,288.46)         (\$46,288.46)           4/4/2007         CHECK         (\$40,000.00)         (\$40,000.00)           7/6/2007         CHECK         (\$52,598.96)         (\$52,598.96)	4/8/2004	CHECK	(\$61,288.35)	(\$61,288.35)
8/13/2004         CANCEL CHECK         \$481,500.00         \$481,500.00           8/16/2004         CHECK WIRE         (\$500,000.00)         (\$500,000.00)           10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$37,216.14)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)         (\$86,893.78)           1/8/2007         CHECK         (\$46,288.46)         (\$46,288.46)           4/4/2007         CHECK         (\$40,163.68)         (\$40,163.68)           5/29/2007         CHECK         (\$52,598.96)         (\$52,598.96)         (\$52,598.96)	7/7/2004	CHECK	(\$93,476.04)	(\$93,476.04)
8/16/2004         CHECK WIRE         (\$500,000.00)         (\$500,000.00)           10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$37,216.14)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)         (\$86,893.78)           1/8/2007         CHECK         (\$46,288.46)         (\$46,288.46)           4/4/2007         CHECK         (\$40,163.68)         (\$40,163.68)           5/29/2007         CHECK         (\$40,000.00)         (\$40,000.00)           7/6/2007         CHECK         (\$52,598.96)         (\$52,598.96)	8/12/2004	CHECK	(\$481,500.00)	(\$481,500.00)
10/7/2004         CHECK         (\$65,375.51)         (\$65,375.51)           12/28/2004         TRANS TO 1B027230         (\$925,000.00)         \$0.00           1/7/2005         CHECK         (\$51,375.55)         (\$51,375.55)           4/7/2005         CHECK         (\$37,216.14)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)         (\$86,893.78)           1/8/2007         CHECK         (\$46,288.46)         (\$46,288.46)           4/4/2007         CHECK         (\$40,163.68)         (\$40,163.68)           5/29/2007         CHECK         (\$40,000.00)         (\$40,000.00)           7/6/2007         CHECK         (\$52,598.96)         (\$52,598.96)	8/13/2004	CANCEL CHECK	\$481,500.00	\$481,500.00
12/28/2004       TRANS TO 1B027230       (\$925,000.00)       \$0.00         1/7/2005       CHECK       (\$51,375.55)       (\$51,375.55)         4/7/2005       CHECK       (\$37,216.14)       (\$37,216.14)         7/7/2005       CHECK       (\$39,173.16)       (\$39,173.16)         10/7/2005       CHECK       (\$35,546.07)       (\$35,546.07)         1/9/2006       CHECK       (\$57,142.43)       (\$57,142.43)         4/7/2006       CHECK       (\$43,960.83)       (\$43,960.83)         7/10/2006       CHECK       (\$48,713.30)       (\$48,713.30)         10/6/2006       CHECK       (\$86,893.78)       (\$86,893.78)         1/8/2007       CHECK       (\$46,288.46)       (\$46,288.46)         4/4/2007       CHECK       (\$40,163.68)       (\$40,163.68)         5/29/2007       CHECK       (\$40,000.00)       (\$40,000.00)         7/6/2007       CHECK       (\$52,598.96)       (\$52,598.96)	8/16/2004	CHECK WIRE	(\$500,000.00)	(\$500,000.00)
1/7/2005       CHECK       (\$51,375.55)       (\$51,375.55)         4/7/2005       CHECK       (\$37,216.14)       (\$37,216.14)         7/7/2005       CHECK       (\$39,173.16)       (\$39,173.16)         10/7/2005       CHECK       (\$35,546.07)       (\$35,546.07)         1/9/2006       CHECK       (\$57,142.43)       (\$57,142.43)         4/7/2006       CHECK       (\$43,960.83)       (\$43,960.83)         7/10/2006       CHECK       (\$48,713.30)       (\$48,713.30)         10/6/2006       CHECK       (\$86,893.78)       (\$86,893.78)         1/8/2007       CHECK       (\$46,288.46)       (\$46,288.46)         4/4/2007       CHECK       (\$40,163.68)       (\$40,163.68)         5/29/2007       CHECK       (\$40,000.00)       (\$40,000.00)         7/6/2007       CHECK       (\$52,598.96)       (\$52,598.96)	10/7/2004	CHECK	(\$65,375.51)	(\$65,375.51)
4/7/2005         CHECK         (\$37,216.14)         (\$37,216.14)           7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)         (\$86,893.78)           1/8/2007         CHECK         (\$46,288.46)         (\$46,288.46)           4/4/2007         CHECK         (\$40,163.68)         (\$40,163.68)           5/29/2007         CHECK         (\$40,000.00)         (\$40,000.00)           7/6/2007         CHECK         (\$52,598.96)         (\$52,598.96)	12/28/2004	TRANS TO 1B027230	(\$925,000.00)	\$0.00
7/7/2005         CHECK         (\$39,173.16)         (\$39,173.16)           10/7/2005         CHECK         (\$35,546.07)         (\$35,546.07)           1/9/2006         CHECK         (\$57,142.43)         (\$57,142.43)           4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)         (\$86,893.78)           1/8/2007         CHECK         (\$46,288.46)         (\$46,288.46)           4/4/2007         CHECK         (\$40,163.68)         (\$40,163.68)           5/29/2007         CHECK         (\$40,000.00)         (\$40,000.00)           7/6/2007         CHECK         (\$52,598.96)         (\$52,598.96)	1/7/2005	CHECK	(\$51,375.55)	(\$51,375.55)
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1/9/2006       CHECK       (\$57,142.43)       (\$57,142.43)         4/7/2006       CHECK       (\$43,960.83)       (\$43,960.83)         7/10/2006       CHECK       (\$48,713.30)       (\$48,713.30)         10/6/2006       CHECK       (\$86,893.78)       (\$86,893.78)         1/8/2007       CHECK       (\$46,288.46)       (\$46,288.46)         4/4/2007       CHECK       (\$40,163.68)       (\$40,163.68)         5/29/2007       CHECK       (\$40,000.00)       (\$40,000.00)         7/6/2007       CHECK       (\$52,598.96)       (\$52,598.96)	7/7/2005	CHECK	(\$39,173.16)	(\$39,173.16)
4/7/2006         CHECK         (\$43,960.83)         (\$43,960.83)           7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)         (\$86,893.78)           1/8/2007         CHECK         (\$46,288.46)         (\$46,288.46)           4/4/2007         CHECK         (\$40,163.68)         (\$40,163.68)           5/29/2007         CHECK         (\$40,000.00)         (\$40,000.00)           7/6/2007         CHECK         (\$52,598.96)         (\$52,598.96)	10/7/2005	CHECK	(\$35,546.07)	(\$35,546.07)
7/10/2006         CHECK         (\$48,713.30)         (\$48,713.30)           10/6/2006         CHECK         (\$86,893.78)         (\$86,893.78)           1/8/2007         CHECK         (\$46,288.46)         (\$46,288.46)           4/4/2007         CHECK         (\$40,163.68)         (\$40,163.68)           5/29/2007         CHECK         (\$40,000.00)         (\$40,000.00)           7/6/2007         CHECK         (\$52,598.96)         (\$52,598.96)	1/9/2006	CHECK	(\$57,142.43)	(\$57,142.43)
10/6/2006       CHECK       (\$86,893.78)       (\$86,893.78)         1/8/2007       CHECK       (\$46,288.46)       (\$46,288.46)         4/4/2007       CHECK       (\$40,163.68)       (\$40,163.68)         5/29/2007       CHECK       (\$40,000.00)       (\$40,000.00)         7/6/2007       CHECK       (\$52,598.96)       (\$52,598.96)	4/7/2006	CHECK	(\$43,960.83)	(\$43,960.83)
10/6/2006       CHECK       (\$86,893.78)       (\$86,893.78)         1/8/2007       CHECK       (\$46,288.46)       (\$46,288.46)         4/4/2007       CHECK       (\$40,163.68)       (\$40,163.68)         5/29/2007       CHECK       (\$40,000.00)       (\$40,000.00)         7/6/2007       CHECK       (\$52,598.96)       (\$52,598.96)	7/10/2006	CHECK	(\$48,713.30)	
1/8/2007       CHECK       (\$46,288.46)       (\$46,288.46)         4/4/2007       CHECK       (\$40,163.68)       (\$40,163.68)         5/29/2007       CHECK       (\$40,000.00)       (\$40,000.00)         7/6/2007       CHECK       (\$52,598.96)       (\$52,598.96)	10/6/2006	CHECK	(\$86,893.78)	
5/29/2007         CHECK         (\$40,000.00)         (\$40,000.00)           7/6/2007         CHECK         (\$52,598.96)         (\$52,598.96)	1/8/2007	CHECK	(\$46,288.46)	(\$46,288.46)
7/6/2007 CHECK (\$52,598.96) (\$52,598.96)	4/4/2007	CHECK	(\$40,163.68)	(\$40,163.68)
	5/29/2007	CHECK	(\$40,000.00)	(\$40,000.00)
10/4/2007 CHECK (\$54,220.92) (\$54,220.92)	7/6/2007	CHECK	(\$52,598.96)	(\$52,598.96)
	10/4/2007	CHECK	(\$54,220.92)	(\$54,220.92)

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Total deposits less withdrawals:		(\$1,180,082.96)	(\$1,657,550.13)
Total Withdrawals:		(\$4,468,112.12)	(\$3,543,112.12)
10/6/2008	CHECK	(\$25,542.17)	(\$25,542.17)
7/7/2008	CHECK	(\$92,429.02)	(\$92,429.02)
4/15/2008	CHECK	(\$40,000.00)	(\$40,000.00)
4/7/2008	CHECK	(\$21,412.72)	(\$21,412.72)
1/8/2008	CHECK	(\$42,928.97)	(\$42,928.97)

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6

### Steve Bergman

From: DeMinico, Michael P. [mdeminico@bakerlaw.com]

Sent: Tuesday, May 25, 2010 1:27 PM

To: Steve Bergman

Subject: BLMIS Account 1B0197

Steve.

Per our telephone conversation, attached please find the account history of 1B0019 (owned by your father, Leonard Bergman). This was the predecessor account to your mother, Harriet Bergman's, account 1B0197. 1B0019 purportedly transferred \$1,773,029.16 into 1B0197 on 7/10/97, but as you can see, it only had enough "net equity" at that time to transfer \$370,561.99. The determination of "net equity" is simply made by adding all deposits into an account and subtracting all withdrawals. Based on that rationale, 1B0019 had insufficient funds to transfer the full \$1,773,029.16 into 1B0197. Therefore, 1B0197 was initially funded with \$370,561.99 (not \$1,773,029.16). This accounts, in large part, for the reason that 1B0197 was overdrawn by \$1,657,550.13.

Please let me know if you have any questions.

Thanks.

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Account Number: 1B0013 Name: LEONARD BERGMAN

DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
3/31/1981	ALIX: 3/31/1981 Equity	\$252,963.73	\$252,963.
4/3/1981		\$6,408.70	\$6,408.
1/26/1994	CHECK	\$100,000.00	\$100,000
1/26/1994	CHECK	\$100,000.00	\$100,000
9/12/1994	CHECK	\$550,000.00	\$550,000
1/11/1995	CHECK	\$300,000.00	\$300,000
1/17/1995	CHECK	\$300,000.00	\$300,000
5/19/1997	CHECK	\$125,000.00	\$125,000
tal Deposits:		\$1,734,372.43	\$1,734,372
			en en de verde en de la companya del la companya de
DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
4/3/1981	CHECK	(\$9,372.43)	(\$9,372.4
5/19/1981	CHECK	(\$7,499.17)	(\$7,499.1
7/22/1981	CHECK	(\$10,584.96)	(\$10,584.9
9/17/1981	CHECK	(\$9,374.25)	(\$9,374.2
11/20/1981	CHECK	(\$9,999.03)	(\$9,999.0
1/18/1982	CHECK	(\$10,599.01)	(\$10,599.0
2/8/1982	CHECK	(\$6,374.22)	(\$6,374.2
2/16/1982	CHECK RETURNED	\$6,374.22	\$6,374.
3/12/1982	CHECK	(\$7,029.39)	(\$7,029.3
5/6/1982	CHECK	(\$9,999.18)	(\$9,999.1
6/29/1982	CHECK	(\$9,294.50)	(\$9,294.5
8/30/1982	CHECK	(\$9,373.95)	(\$9,373.9
11/1/1982	CHECK	(\$9,999.95)	(\$9,999.9
1/6/1983	CHECK	(\$10,624.40)	(\$10,624.4
3/3/1983	CHECK	(\$9,373.17)	(\$9,373.1
5/5/1983	CHECK	(\$9,998.10)	(\$9,998.1
6/20/1983	CHECK	(\$7,968.75)	(\$7,968.7
8/18/1983	CHECK	(\$9,374.54)	(\$9,374.5
10/18/1983	CHECK	(\$9,294.75)	(\$9,294.7
12/21/1983	CHECK	(\$9,998.56)	(\$9,998.5
3/2/1984	CHECK	(\$10,465.00)	(\$10,465.0
5/4/1984	CHECK OWENS ILL	(\$10,624.88)	(\$10,624.8
7/3/1984	CHECK TRWD	(\$7,495.04)	(\$7,495.0
9/11/1984	CHECK LINCOLN NATL	(\$9,377.00)	(\$9,377.0
10/31/1984	CHECK ATLANTIC	(\$9,292.13)	(\$9,292.1

	RICHFIELD		
1/8/1985		(\$9,992.55)	(\$9,992.55)
3/8/1985		(\$8,204.33)	(\$8,204.33)
	CHECK HOUSEHOLD INTL	(\$10,628.91)	(\$10,628.91)
7/15/1985	CHECK GAF CORP	(\$9,999.00)	(\$9,999.00)
9/18/1985	CHECK CLUETT	(\$9,379.12)	(\$9,379.12)
11/18/1985	CHECK ASSOCIATED DRY GOODS	(\$9,300.00)	(\$9,300.00)
1/7/1986	CHECK ATLANTICK RICHFIELD	(\$7,963.63)	(\$7,963.63)
2/20/1986	CHECK HOUSEHOLD	(\$7,500.00)	(\$7,500.00)
4/21/1986	CHECK OWENS	(\$9,996.00)	(\$9,996.00)
6/26/1986	CHECK MERRILL LYNCH	(\$10,620.67)	(\$10,620.67)
9/3/1986	CHECK WESTERN AIRLINES	(\$9,374.00)	(\$9,374.00)
10/29/1986	CHECK INTERCO	(\$8,752.71)	(\$8,752.71)
1/8/1987	CHECK TRANSWORLD CORP	(\$10,621.80)	(\$10,621.80)
3/3/1987	CHECK CHEMICAL	(\$9,377.15)	(\$9,377.15)
5/6/1987	CHECK INTERCO	(\$8,746.07)	(\$8,746.07)
7/14/1987	CHECK MONARCH CORP	(\$10,617.61)	(\$10,617.61)
9/11/1987	CHECK HOME DEPOT	(\$9,350.50)	(\$9,350.50)
11/23/1987	CHECK ALCC	(\$9,987.48)	(\$9,987.48)
2/10/1988	CHECK KIDDE	(\$10,620.93)	(\$10,620.93)
4/21/1988	CHECK ATLANTIC RICHFIELD	(\$9,369.95)	(\$9,369.95)
6/24/1988	CHECK BIRMINGHAM STEEL	(\$9,986.43)	(\$9,986.43)
9/13/1988	CHECK DEERE & CO	(\$10,604.00)	(\$10,604.00)
11/4/1988	CHECK CASTLE & COOKE	(\$8,201.50)	(\$8,201.50)
1/10/1989	CHECK COASTAL CORP	(\$9,996.63)	(\$9,996.63)
2/21/1989	CHECK HEINZ	(\$7,941.92)	(\$7,941.92)
5/2/1989	CHECK PFIZER	(\$9,332.60)	(\$9,332.60)
6/28/1989	CHECK COMCAST	(\$10,690.27)	(\$10,690.27)
8/30/1989	CHECK J & J SNACK	(\$8,710.96)	(\$8,710.96)
10/19/1989	CHECK GATX	(\$7,949.21)	(\$7,949.21)
12/13/1989	CHECK COLUMBIA PICTURES	(\$7,493.50)	(\$7,493.50)
2/14/1990	CHECK FLEET	(\$10,614.58)	(\$10,614.58)
4/19/1990	CHECK SEAGULL	(\$9,375.63)	(\$9,375.63)
6/27/1990	CHECK SUN MICROSYSTEMS	(\$9,976.41)	(\$9,976.41)
8/30/1990	CHECK IMMUNEX	(\$10,612.78)	(\$10,612.78)
10/30/1990	CHECK CBI INDUSTRIES	(\$9,988.92)	(\$9,988.92)
1/10/1991	CHECK NBD BANCORP	(\$9,366.76)	(\$9,366.76)
3/22/1991	CHECK MCKESSON	(\$9,973.15)	(\$9,973.15)
5/17/1991	CHECK CONTEL	(\$6,567.56)	(\$6,567.56)
7/10/1991	CHECK	(\$250,001.27)	(\$250,001.27)
7/16/1991	CHECK HEALTH SOUTH	(\$8,159.40)	(\$8,159.40)
7/24/1991	CXL CHECK 7/10/91	\$250,001.27	\$250,001.27
9/19/1991	CHECK NBD BANCORP	(\$8,721.33)	(\$8,721.33)
11/7/1991	CHECK FIRST FIN MGMT	(\$5,464,24)	(\$5,464.24)

17/10/1001	CHECK ANTEC	(AE 027 CZ)	/AE 027 (7)
12/19/1991	CHECK ANITEC	(\$5,837.67)	(\$5,837,67)
1/21/1992	CHECK STRIDE RITE	(\$4,996.50)	(\$4,996.50)
3/17/1992	CHECK PRODUCTIONS	(\$7,633.64)	(\$7,633.64)
5/21/1992	CHECK TYCO	(\$9,387.38)	(\$9,387.38)
7/8/1992	CHECK DEL WEBB	(\$5,733.83)	(\$5,733.83)
8/13/1992	CHECK HARELY	(\$4,385.25)	(\$4,385.25)
9/22/1992	CHECK STAPLES	(\$8,563.78)	(\$8,563.78)
11/3/1992	CHECK NBD BANCORP	(\$3,111.09)	(\$3,111.09)
12/11/1992	CHECK TRI CONTL	(\$4,705.92)	(\$4,705.92)
1/22/1993	CHECK SARA LEE	(\$5,022.88)	(\$5,022.88)
2/25/1993	CHECK TJX	(\$5,473.01)	(\$5,473.01)
4/28/1993	CHECK JACKPOT	(\$9,363.99)	(\$9,363.99)
6/18/1993	CHECK BB & T FINANCIAL CORP	(\$7,526.30)	(\$7,526.30)
7/22/1993	CHECK LOUISIANA	(\$4,391.12)	(\$4,391.12)
8/27/1993	CHECK SOUTHWEST	(\$4,071.87)	(\$4,071.87)
10/5/1993	CHECK BANC ONE	(\$3,764.75)	(\$3,764.75)
11/17/1993	CHECK MEXICO	(\$5,499.00)	(\$5,499.00)
12/17/1993	CHECK MERRILL LYNCH	(\$3,771.25)	(\$3,771.25)
2/9/1994	CHECK AMERITECH	(\$3,149.00)	(\$3,149.00)
4/18/1994	CHECK COMCAST	(\$15,809.65)	(\$15,809.65)
5/20/1994	CHECK AUTOZONE	(\$2,831.50)	(\$2,831.50)
6/23/1994	CHECK GEN ELECTRIC	(\$5,085.87)	(\$5,085.87)
8/12/1994	CHECK GEN MOTORS	(\$11,030.96)	(\$11,030.96)
9/21/1994	CHECK CATERPILLAR	(\$4,524.50)	(\$4,524.50)
10/28/1994	CHECK K MART	(\$13,795.62)	(\$13,795.62)
11/28/1994	CHECK CBS INC	(\$18,800.50)	(\$18,800.50)
1/24/1995	CHECK MCDONNELL	(\$15,040.00)	(\$15,040.00)
2/15/1995	CHECK HERCULES	(\$18,105.50)	(\$18,105.50)
4/19/1995	CHECK EMC CORP	(\$40,100.67)	(\$40,100.67)
5/31/1995	CHECK HEWLETT PACKARD CO	(\$32,178.25)	(\$32,178.25)
6/23/1995	CHECK GEN MILLS	(\$10,183.13)	(\$10,183.13)
7/24/1995	CHECK LSI LOGIC	(\$32,236.87)	(\$32,236.87)
9/8/1995	CHECK TEXAS INSTRUMENTS	(\$14,097.50)	
10/17/1995	CHECK INTL PAPER	(\$22,201.75)	(\$22,201.75)
11/16/1995	CHECK APPLIED MATERIALS	(\$18,158.50)	(\$18,158.50)
1/5/1996	CHECK DEERE & CO	(\$32,305.25)	(\$32,305.25)
2/15/1996	CHECK FED NAT'L MORTGAGE	(\$22,272.12)	(\$22,272.12)
4/9/1996	CHECK GEN MOTORS CORP	(\$36,503.41)	(\$36,503.41)
5/22/1996	CHECK CENTOCOR	(\$30,450.09)	(\$30,450.09)
6/27/1996	CHECK COCA COLA	(\$30,461.12)	(\$30,461.12)
7/31/1996	CHECK CHRYSLER CORP	(\$14,218.00)	(\$14,218.00)
9/6/1996	CHECK SAFEGUARD	(\$30,508.50)	(\$30,508.50)
10/8/1996	CHECK HERSHEY FOODS INC	(\$2,032.37)	(\$2,032.37)

Total deposits less withdrawals:		(\$1,402,467.17)	\$0.00
Total Withdrawals:		(\$3,136,839.60)	(\$1,734,372.43)
7/10/1997	TRANS TO 1B019730	(\$1,773,029.16)	(\$370,561.99)
7/8/1997	CHECK MOBIL CORP	(\$19,919.75)	(\$19,919.75)
6/6/1997	CHECK COLGATE	(\$24,611.00)	(\$24,611.00)
5/2/1997	CHECK PHILIP MORRIS	(\$18,431.00)	(\$18,431.00)
3/27/1997	CHECK NATIONS BANK	(\$18,401.00)	(\$18,401.00)
2/20/1997	CHECK DEAN WITTER	(\$32,683.75)	(\$32,683.75)
12/18/1996	CHECK FIRST DATA	(\$32,590.50)	(\$32,590.50)
11/13/1996	CHECK NEWBRIDGE NETWORK	(\$22,401.25)	(\$22,401.25)
10/17/1996	CHECK JONES APPAREL	(\$18,310.00)	(\$18,310.00)

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